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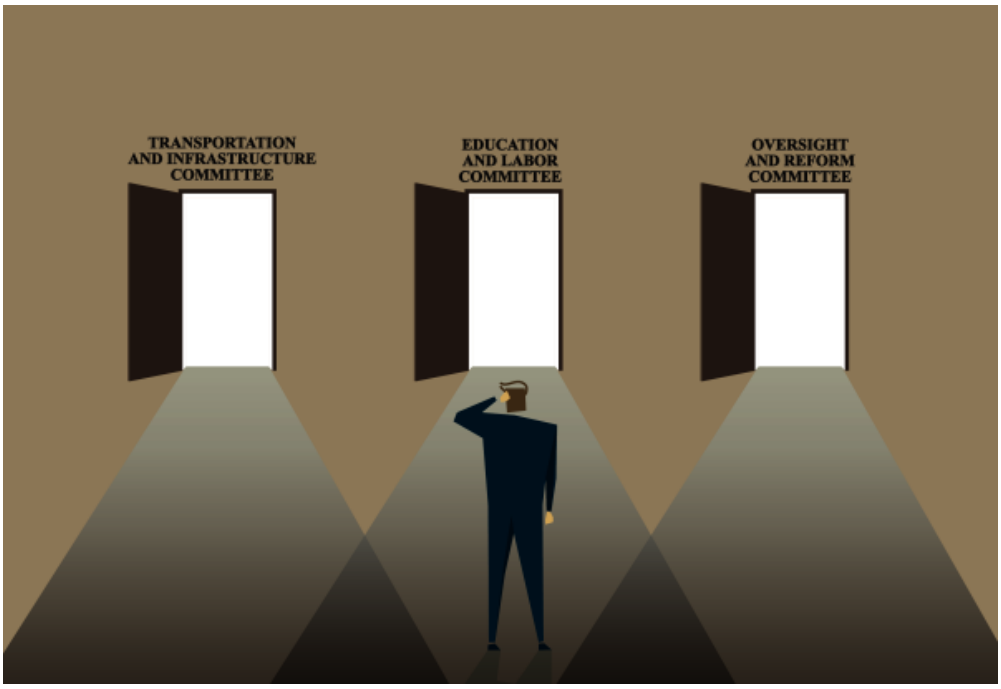
Some lawmakers question amount of time spent in committees

Sept. 30, 2019 By Caroline Simon, CQ

In April, the House parliamentarian brought the hammer down on the Education and Labor Committee, ending a long-standing practice that allowed committee members from both parties to vote on bills in committee on a flexible schedule — a violation of proxy voting, which is banned in the House.



Members say their schedules have become so hectic and compressed that the courtesy, which the committee has extended for years, is needed. But the practice raises a bigger question: How sustainable are members' often packed and chaotic schedules? It's an issue being examined by a group of lawmakers tasked with offering recommendations on overhauling the way Congress does things.

At a March hearing of the Select Committee on the Modernization of Congress that featured testimony from multiple members, **Chrissy Houlahan**, a freshman Democrat from Pennsylvania, laid out the problem.

"Tomorrow I am supposed to be at two subcommittee meetings for the same committee at the same time, and I [and] nine other people are on both subcommittees," she says. "There's no way that I can physically be there, and that's only one of my committees."

One member who benefited from the voting flexibility at Education and Labor was **Mark DeSaulnier**, a Democrat from California. There's good reason he probably needed this special carve-out — he sits on four committees and seven subcommittees, one of the most packed rosters in the entire House of Representatives.

A day with DeSaulnier illustrates the breakneck schedules of the House's busiest members.

On a Wednesday morning in June, DeSaulnier threaded his way through the crowded Cannon House Office Building basement, a staffer by his side, on his way to a 10 a.m. House Oversight and Reform Committee hearing about the opioid crisis. It was one of three simultaneous hearings on his calendar that day.

DeSaulnier at an Oversight and Reform hearing on lung disease and vaping in September. (Bill Clark/CQ Roll Call)

The night before, he attended a markup by the House Rules Committee that lasted until just after 1 a.m., readying a slate of appropriations bills for floor debate. After grabbing a little sleep, he returned to the Hill for an early morning coffee with his predecessor and mentor, former Democratic Rep. George Miller, a 15-minute interview with a reporter, and a meet-and-greet with the president of a die-casting company, before heading to Oversight and Reform.

After 10 minutes in that hearing, though, he ducked out and made his way to Transportation and Infrastructure, where he spent about 15 minutes before leaving for another hearing at Education and Labor. After 15 minutes there, he was back at Oversight and Reform for another 40 minutes, then back to Transportation and Infrastructure for 20 minutes. His total time attending hearings plus dashing back and forth across the Rayburn building clocked in at around two-and-a-half hours.

Despite the stacked schedule of committee assignments, DeSaulnier says he thought he'd juggled it all pretty well.

"Personally, I like it," he says. "It's intellectually stimulating. You just have to manage your time with it."

DeSaulnier is one of seven members who sit on four committees. But he and Democrat **Jamie Raskin** of Maryland are the only two of that group whose committees all meet frequently.

Fast Track

While DeSaulnier may be an extreme example, it's common for members to dash between multiple commitments. It may be a symptom of the workload that all but the most high-profile committee hearings have spotty attendance, especially on hectic days for Congress, like Wednesdays. The cluttered schedules cause concerns about whether members can actually fulfill their committee obligations and fully participate in the legislative process that used to be the foundation of congressional action.

It's not a new problem, and its causes are multifaceted, but part of it is the declining influence of committees in the face of increasing party and leadership clout. Even though committee hearings and markups fill members' schedules as they always have, votes in some committees are reliably party-line, reflecting party positions more than experience and knowledge of a particular policy area.

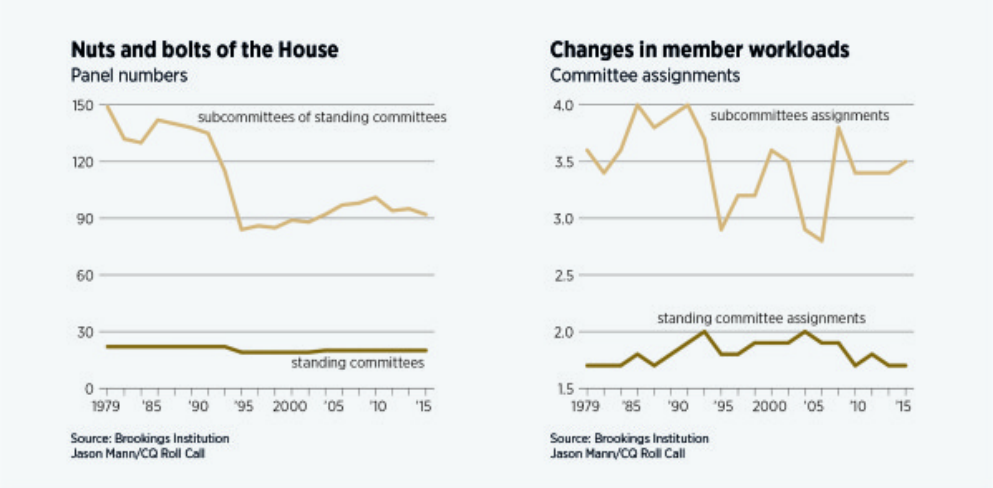
It's also true that a major factor in the time crunch is that members simply are on more committees than in the past. According to House rules, members "may not serve simultaneously as a member of more than two standing committees or more than four subcommittees of the standing committees." In practice, party leaders frequently waive those limits.

According to data compiled by the Brookings Institution, the average number of standing committee, subcommittee and other committee assignments for members of the 84th Congress (1955-56) was three. (There were 22 committees, with three of them select or special panels, in 1956.) By the 115th Congress (2017-18), the average number of assignments had increased to 5.3, while the number of committees had risen to 27 (with three of them special or select and four of them joint committees with the Senate).

Reducing committee slots is far from a priority for leadership because seats on certain high-profile committees like Ways and Means, Appropriations or Energy and Commerce can be valuable bargaining chips with members looking to help their districts or build a following, says Hugh Halpern, former floor director for Speaker Paul D. Ryan and former staff director of the House Rules Committee.

Halpern calls it a balancing effort. "If you have to be on the Small Business Committee, they want to try to give you something that's a little bit higher-profile," he says. "If you're just on Small Business and Science, that kind of sucks."

Another contributing factor is the shift of work from the subcommittee level to the full committee level. Measures that aren't marked up in subcommittee take longer to make it through full committee, which means more members are involved for longer and schedules become cramped.



Power Shift

The relevance of subcommittees has declined over the last few decades, experts say. In the 94th Congress (1975-76) there were 151 total subcommittees of standing committees; in the 115th, there were just 92, according to the Brookings data.

"The subcommittee activity has declined for some of the same reasons that the committee activity has declined," says Bryan Jones, a University of Texas at Austin professor who has compiled data on congressional committee activity. "Too much is done through the parties and not enough through the committee structure."

With the exception of committees that reliably produce complex legislation every year — like Appropriations and Armed Services — many committees have subcommittees that hold hearings but infrequently mark up legislation. Those hearings demand members' time, but don't prevent lengthy committee markups at a later stage.

"I would have less interest in being on four committees if the subcommittees did more work," DeSaulnier says. "I like being busy at this level. I would prefer to be more busy, in-depth on specific issues."

Ideally, he says, he would delve deeper into the infrastructure issues that affect his district and workforce issues he's cared about long before entering Congress.

Playing to the Cameras

Alaska Republican **Don Young**, the longest-serving member of the House, sees a marked decline in productivity from his earlier days in the chamber, which he joined in 1973.

"I personally think most committee meetings are a waste of time," he says. "I go to most markups because I do think you should be there to vote on a markup. I very rarely go to hearings because you're not going to learn anything. Unfortunately, the poor witnesses are not listened to."

Young points to both increasing partisanship and the presence of cameras in committee rooms as reasons for less productive hearings.

Young says things were different when he chaired the House Transportation Committee from 2001 to 2007, recalling his entire committee supporting bipartisan measures rather than series of entirely party-line votes. In the days before cameras, members didn't have to worry about performing for constituents or donors and spoke more freely in committee.

Bills Take a Back Seat

Jones' data shows that committees are holding fewer hearings than ever, and that hearings are far more likely to be related to oversight than a specific bill. It used to be about a half-and-half split. Today, he says, committees hold eight oversight hearings for every legislative hearing.

Other members who have served for decades are similarly concerned. Rep. **Bill Pascrell Jr.**, a New Jersey Democrat who has been in Congress since 1997, pointed to weakening committee power when he testified before the Modernization Committee hearing in March.

"Our investigatory muscles are atrophied as our committees have been stripped of their ability to develop policy through analysis and debate," he says. "Instead, we have shifted funding to the leadership, leaving the legislative process solely in their hands."

DeSaulnier contrasts committee activity in Congress to committee activity when he served in the California Legislature, which he says got far more done. During his packed morning

with three committee hearings, he spent only 10 total minutes questioning witnesses, with little time to hear other members' questions.

"Truth be told, I was busier in the [California] legislature," he says. "You have to consider the content of the schedule as well and what you're doing and how much responsibility you have."

Aside from committee meetings, members also must balance floor votes, constituent meetings, off-campus events and fundraising — a necessity for most members running for re-election. DeSaulnier spends one or two hours a day fundraising.

DeSaulnier chats with Virginia Democrat Donald S. Beyer Jr. on the way to a caucus meeting on impeachment. (Tom Williams/CQ Roll Call)

What to Do?

There is consensus that the current committee scheduling structure is far from ideal, but there's less consensus on how to fix it. The Select Committee on Modernization, tasked with identifying areas where Congress can modernize and making recommendations, plans to examine committee scheduling this session.

"As we've heard at our Member Day Hearing, and from a number of our colleagues, members often find themselves pulled in a number of different directions on any given day

— whether it be committee business, floor votes or constituent engagement all at the same time," Modernization Chairman **Derek Kilmer**, a Washington Democrat, and ranking member **Tom Graves**, a Georgia Republican, said in a statement. "The Select Committee certainly intends to explore the issue of scheduling and look into examples and concepts used across the country. Members who have suggestions should reach out to us to help inform our recommendations."

Halpern says members of Congress have tried over the years to solve the problem, pointing to a proposal from Utah Republican Rep. **Rob Bishop** that involved "A" committees and "B" committees having different designated meeting days. Like other proposals, it was stymied by the reality of legislating on a tight timeline.

But Halpern is optimistic about the future. "The Modernization Committee has been doing great work," he says. "If they can come up with an attempt to crack this nut, more power to them."

Rep. **Donald S. Beyer Jr.**, a Virginia Democrat, suggests regular start times for floor votes so members don't have to unexpectedly leave committee meetings.

Pennsylvania's Houlahan suggests staggering the start times of committee meetings.

"I can tell you that the high school scheduling of high school classes is much more effectively run than the scheduling of Congress," she says, remembering her days as a teacher.

Young is more skeptical, instead advising newcomers to work within the current committee structure.

"I've tried to tell all my freshmen: Don't try to get on more than two. Dedicate yourself to what you have the most interest in and don't worry about not being there if you're not there," Young says.

"You just can't be every place at one time. It makes you really like a butterfly with no flowers, fluttering around here and there and not getting anything."

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